

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 765 OF 2005
IN**

SUIT NO. 1054 OF 1988

Kantilal Prabhudas Mehta & Ors. ..Plaintiffs
V/s

Jagdishchandra Champaklal Parekh & Anr. ..Defendants

Mr.P.K. Samdhani i/b M/s.Dhru & Co.,for the Plaintiffs.
Mr.A.Y. Sakhare i/b M/s.Bharat Vishnawa & Co.,for the
Defendant No.1.

Mr. V. R. Dhond i/b M/s. Narayanan and Narayanan for
the Defendant No.2.

CORAM: A.S.OKA, J.
(Vacation Judge)
DATE : 10.05.2005.

P.C.:

1. Heard learned counsel appearing for the parties. After arguing the matter for sometime, the learned counsel appearing for the Defendant No.1 in support of Notice of Motion prays for grant of permission to withdraw the Notice of Motion as he wants to adopt appropriate proceedings for claiming reliefs prayed for in prayers (b) and (c) of this Notice of Motion. He submits that to enable him to take out the appropriate proceedings, ad interim order passed on 2nd May, 2005 be continued. The learned counsel appearing for the Plaintiffs opposes the prayer.

2. The Notice of Motion No.765 of 2005 is allowed to be withdrawn with liberty to take out the appropriate proceedings as prayed. Ad interim order passed on 2nd May, 2005 will continue to operate till 24th May, 2005.

3. Parties to act on authenticated copy of this order.

(JUDGE)